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DEPARTMENT OF THE ARMY
U.S. ARMY ARMAMENT RESEARCH, DEVELOPMENT AND ENGINEERING CENTER
PICATINNY ARSENAL, NEW JERSEY 07806-5000

June 28, 1994



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REPLY TO
ATTENTION OF

Environmental Affairs Office

SUBJECT: Response to the Notice of Violation (NOV) dated May 31,
1994, Picatinny Arsenal

Mr. Conrad Simon, Director.
Air and Waste Management Division
U.S. Environmental Protection Agency
Region II
26 Federal Plaza
New York, NY 10278-0012

Dear Mr. Simon:

This is in response to the above noted NOV. Our response to these alleged deficiencies will be addressed and grouped in the same organization as the Environmental Protection Agency had:

. Groundwater Sampling and Analysis Plan (S&A) addressing the Resource, Conservation and Recovery Act (RCRA) regulated lagoons associated with building 95; and

. Sampling and Sampling Handling Procedures during the 13-14 September Comprehensive Monitoring Evaluation (CME); and

. The outstanding deficiencies noted in the March 15, 1993, New Jersey Department of Environmental Protection and Energy's (NJDEPE) CME.

Alleged Deficiency No. 1: No Groundwater Sampling and Analysis Plan for lagoons associated with building 95.

The NOV claims that "To date, there is no S&A Plan that has been submitted for the lagoons at building 95". This statement is incorrect because to date there are presently five S&A plans applicable to the unit. The specific plans and a discussion of there applicability follows:

RCRA Groundwater Assessment Plan for Buildings 24 and 95:
This plan resulted in the report entitled "Contamination of Shallow Groundwater in the Area of Building 95". This plan had been inferred in your letter as not addressing these lagoons. We have enclosed a copy of the final report (enclosure 1).

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Picatinny Arsenal Quarterly Monitoring Program developed by Jaycor Inc. for the Army dated 1991 (transmittal letter dated April 9, 1991 - enclosure 2). This plan had been submitted to the U.S. Environmental Protection Agency (EPA) per the Interagency Agreement (IAG) under Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) in 1991, and included the sampling of most wells associated with building 95 lagoons. This plan has since been integrated into the Field Sampling Plan (FSP) for Phase I RI discussed below.

Field Sampling Plan (FSP) for the Phase I Remedial Investigation/Feasibility Study (RI/FS) developed by Dames and Moore. This plan has been submitted to and approved by the EPA per the IAG No. II CERCLA FFA001104. The FSP includes the sampling of over 26 monitoring wells located in RI Concept defined Area E in which the 95 lagoons were located.

This FSP has also been approved by the NJDEPE and includes an additional monitoring well, as a result of the NJDEPE's review and comment.

Under this plan, the Arsenal has completed two quarters of sampling with an additional quarter of sampling scheduled for July of this year. This plan and process will result in a Record of Decision (ROD) under CERCLA for this unit. After sampling has been completed, the Arsenal will continue sampling under the plan noted below until the ROD is implemented. This document can be found in the files of the CERCLA EPA Project Manager.

RCRA Monitoring Plan for Wells Near Buildings 24 and 95 at Picatinny Arsenal. The Arsenal had been complying with this plan until the implementation of the FSP in 1993. Sampling had been performed by inhouse contractors. The resultant information from the sampling has been provided to both the NJDEPE's and the EPA's CERCLA Project Manager on a quarterly basis. The NJDEPE has agreed to the substitution of sampling by the FSP for this plan, as noted in their letter dated November 24, 1993 (enclosure 3).

RCRA Groundwater Monitoring Plan Building 95 Surface Impoundments developed by Carpenter Inc. for Picatinny Arsenal. This plan has been submitted to the NJDEPE in February of 1994, with a copy sent to Mr. Krausner of your office and approval from the NJDEPE via May 12, 1994 from the Case Manager (enclosure 4) from the NJDEPE. Copy of the document is enclosed (enclosure 5).

Also, more importantly on the issue of the applicability of Subpart F requirements per RCRA, the 95 lagoons were closed pursuant to a permit issued under the authority of the New Jersey Pollution Control Act dated April 12, 1991, issued by the Division of Water Resources of the NJDEPE. As you probably know,

the NJDEPE uses this permit authority to close and post close units that require groundwater monitoring under RCRA.

Conditions 30 and 31 of this permit seemingly relinquishes the RCRA groundwater requirements by stating "...*post closure monitoring will be implemented through CERCLA requirements.*" Picatinny has been complying with this through the submittal of the plans noted above. The NJDEPE and the EPA CERCLA Project Managers have never noted anything different, including comments generated on the FSP per the IAG. The IAG requires that the EPA comments include all Applicable or Relevant and Appropriate Requirements (ARARs). Since we have been following EPAs and NJDEPEs directions, we felt we were and are in compliance with the requirement having a groundwater monitoring plan.

Deficiency No. 2: Deficiencies of Sampling and Sampling Procedures Noted During the September 1314 CME

Picatinny has taken all steps to assure that the contractor has corrected the deficiencies noted in the EPA's NOV. Specifically, we have included the following documentation of that assurance:

Internal memorandum, ARDEC, SMCAR-SEA, dated June 23, 1994, subject: Observations of Chem Tech Sampling, from Mr. Paul Reibel to Mr. Ted Gabel (both of the Installation Restoration Branch) providing results of a June 21 internal field indicating compliance with the deficiencies noted in your letter (enclosure 6).

Memorandum, ARDEC, SMCAR-SEA, dated 4 January 1994, subject: Contract DACA-87-89-C0092: Protocols for the field Sampling for Monitoring Wells and Withdrawal Wells at Picatinny Arsenal (enclosure 7), and memorandum, ARDEC, SMCAR-SEA, dated June 10, 1994, subject: Contract DACA-87-89-C0092: Notice of Violation Concerning Groundwater Sampling Protocols, (Mr. Gary East {COE} is the Contracting Officer relating to the sampling that was performed) (enclosure 8). These memoranda request compliance with the requirements.

Letter from Metcalf and Eddy to Corps of Engineers indicating compliance with those items, dated June 23, 1994, subject: Picatinny Arsenal, Groundwater Treatment System, Contract DACA 87-89-C-0092 (enclosure 9).

Deficiency No. 3: Sampling Deficiencies Noted in March 15, 1993 CME by the NJDEPE

The sampling that was observed during the NJDEPE and EPA CME was conducted by subcontractors for Metcalf & Eddy Inc. Metcalf and Eddy is a contractor for the Army through the Huntsville Corps of Engineer. The contractor implements the ROD for an interim action for building no. 24. The ROD was issued by the Army and concurred on by both the Regional Administrator of the EPA and Commissioner of the NJDEP in 1989. The ROD (and contract) requires that groundwater monitoring be conducted, hence, the contractor developed for the Army the "Sampling and Analysis and Quality Assurance/Quality Control Plan Interim Action" that is mentioned in your letter.

The Army has been requiring the contractor to comply with the Sampling and Analysis Plan. The Army had received approval from the NJDEPE in 1991. This letter approving the document had been provided to Mr. Krausner.

As the contract with Metcalf and Eddy is ending in August, it will be very difficult to either modify the contract or to modify the approved plan within that time window. As all of these comments are minimal, we ask for an extension to comply.

Also note the following factors on the specific deficiencies:

. Gross alpha, beta, uranium and radon were done specifically during the March 1993 sampling. They are not considered routine quarterly parameters. These parameters were done at the request of the Installation to ensure that the potential contaminants present were below standards for the discharge or air permit equivalents for the interim action pump and treat.

. The plan does not include the measurement of sampling of immiscible layers. However, the plume for which the Metcalf and Eddy plan addresses is well understood and addressed by numerous U.S. Geological Survey studies. Further, the Phase I FSP that addresses Area D contains protocols for such determination.

No immiscible layers have yet been ever observed in a well within this building 24 plume.

Since the observed September sampling event, the Phase I RI has been implemented addressing the RI Concept Area D (RCRA regulated building 24 lagoons), and Area E (RCRA regulated

building 95 lagoons). The plan has been ongoing and substitutes for the Interim Action Sampling. That plan addresses all the concerns noted in the NJDEPE CME.

However, to respond to your request for a modified S&A plan to update and upgrade to correct the deficiencies in response to the NJDEPE's CME, the Arsenal will direct a contractor to modify that plan or develop another plan by January 1995. We find it advisable to wait for information and data from new wells recently installed by Dames and Moore under the Phase I RI, and wells installed by the USGS as part of their treatability studies they are performing on the plume. We feel that the new information from the results of the RI sampling will enhance any monitoring program of that plume. If this date is unacceptable to the EPA, please contact the Arsenal.

Please note that the enclosures are only being forwarded to Mr. Krausner of your staff.

Should you need further information to resolve this action, please feel free to contact Mr. Gabel of my staff at 201-724-6748.



Michael F. Clune
Acting Director, Safety, Surety,
& Environmental Office

Enclosures

Copies Furnished:

Mr. Richard Krausner, USEPA (w/encls)
Mr. James Hamilton, (w/o encls)
Assistant Director, Office of Enforcement Policy
NJDEPE

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